

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MELINDA MARIE DESCHARM,

Defendant.

**CR-14-55-GF-BMM**

**ORDER ADOPTING FINDINGS  
AND RECOMMENDATIONS OF  
MAGISTRATE JUDGE**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 18, 2015. (Doc. 84). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Descharm admitted to having violated the Preamble to her Standard Conditions of supervised release at the March 17, 2015, revocation hearing. Descharm's admission constitutes a Grade C violation. Descharm's criminal history category is III and Descharm's underlying offense is a Class C felony. The

statutory range is a maximum of 24 months in custody followed by a term of supervised release up to 36 months, less any custody time imposed. The guideline range is 5 to 11 months in custody and up to 36 months supervised release, less any custody time imposed.

Judge Johnston found that Descharm violated the Preamble to Standard Conditions of her supervised release by failing to report to the probation office within 72 hours of being released from the custody of the Bureau of Prisons. Judge Johnston recommends that Descharm be incarcerated for five months, concurrent with any state sentence, with thirty-one months of supervised release to follow. Judge Johnston recommended that Descharm be required to reside in a re-entry center for six months upon her discharge from incarceration.

This Court finds no clear error in Judge Johnston's Findings and Recommendations and adopts them in full. Incarceration for five months, concurrent with any state sentence, followed by thirty-one months of supervised release is an appropriate disposition of this case in light of Descharm's violation. The original terms of Descharm's supervised release remain in effect, with the addition of the following condition:

Upon discharge from federal and state custody, the defendant shall reside in a Residential Reentry Center (RRC) under contract to the United States Bureau of Prisons, in the pre-release component, for a period of six months. The defendant

shall abide by all rules and regulations of the Center and successfully complete any programming as deemed appropriate by the United States Probation Officer.

**IT IS HEREBY ORDERED:**

1. Judge Johnston's Findings and Recommendations (Doc. 84) is  
ADOPTED IN FULL and Judgment shall be entered accordingly.

DATED this 16<sup>th</sup> day of April, 2015.



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Brian Morris  
United States District Court Judge